

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF PENNSYLVANIA**

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JANE DOES I, II, III, et al.,	)	
	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Civil Action No. 3:20-1260
	)	
EUGENE SCALIA, United States	)	(JUDGE MANNION)
Secretary of Labor, et al.,	)	
	)	
	)	
Defendants.	)	

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**DEFENDANTS' MOTION TO DISMISS THE COMPLAINT**

Defendants Eugene Scalia, the Occupational Safety and Health Administration, and the United States Department of Labor motion the Court to dismiss the Complaint pursuant to Fed. R. Civ. P. 12(b). A brief in support of this motion is being filed simultaneously.

Counsel certifies that he contacted Plaintiffs' Counsel to seek concurrence with this motion, pursuant to M.D. Pa. L.R. 7.1, and counsel did not concur.

Respectfully submitted,

DAVID J. FREED  
UNITED STATES ATTORNEY

Date: July 28, 2020

/S/ G. Michael Thiel  
G. MICHAEL THIEL  
Assistant U.S. Attorney  
Atty. I.D. #PA 72926  
235 N. Washington Ave., Ste.311  
Scranton, PA 18503  
Phone: (570) 348-2800  
mike.thiel@usdoj.gov

KATE S. O'SCANNLAIN  
SOLICITOR OF LABOR  
U.S. DEPARTMENT OF LABOR

/s/ Oscar L. Hampton III  
OSCAR L. HAMPTON III  
Regional Solicitor  
Atty. I.D. #MO 36778  
170 S. Independence Mall West  
Suite 630 East  
Philadelphia, PA 19106  
(215) 861-5120  
[hampton.oscar@dol.gov](mailto:hampton.oscar@dol.gov)

EDMUND C. BAIRD  
Associate Solicitor for  
Occupational Safety and Health

RICHARD T. BUCHANAN  
Deputy Regional Solicitor

MICHAEL P. DOYLE  
Regional OSHA Counsel

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**CERTIFICATE OF SERVICE BY MAIL**

The undersigned hereby certifies that she is an employee in the Office of the United States Attorney for the Middle District of Pennsylvania, and is a person of such age and discretion as to be competent to serve papers.

That on July 28, 2020, she served copies of the attached:

**DEFENDANTS MOTION TO DISMISS COMPLAINT**

by ECF Filing upon:

Lerae Kroon, Esquire  
Nina A. Menniti, Esquire  
Samuel H. Datlof, Esquire

/s/ Christina M. Nihen  
CHRISTINA M. NIHEN  
Legal Assistant